

# Senate Study Bill 3055

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CO=CHAIRPERSONS McCOY AND  
PUTNEY)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act providing for regulation of motor vehicles by the state  
2 department of transportation, including motor vehicle  
3 registration and fees, commercial driver licensing, wholesaler  
4 licensing, vehicle braking requirements, vehicle length  
5 restrictions, proof of financial responsibility requirements,  
6 and persons with disabilities parking permits.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
8 TLSB 6400SC 81  
9 dea/je/5

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1 1 Section 1. Section 321.1, subsection 86, Code Supplement  
1 2 2005, is amended by striking the subsection.  
1 3 Sec. 2. Section 321.46, subsection 7, Code Supplement  
1 4 2005, is amended to read as follows:  
1 5 7. If a motor vehicle is leased and the lessee purchases  
1 6 the vehicle upon termination of the lease, the lessor shall,  
1 7 upon claim by the lessee with the lessor within ~~fifteen~~ thirty  
1 8 days of the purchase, assign the registration fee credit and  
1 9 registration plates for the leased motor vehicle to the  
1 10 lessee. Credit shall be applied as provided in subsection 3.  
1 11 Sec. 3. Section 321.109, subsection 1, Code Supplement  
1 12 2005, is amended to read as follows:  
1 13 1. a. The annual fee for all motor vehicles including  
1 14 vehicles designated by manufacturers as station wagons, ~~and~~  
~~1 15 1993 and subsequent model years for and~~ multipurpose vehicles,  
1 16 except motor trucks, motor homes, ambulances, hearses,  
1 17 motorcycles, ~~and motor bicycles, and 1992 and older model~~  
~~1 18 years for multipurpose vehicles,~~ shall be equal to one percent  
1 19 of the value as fixed by the department plus forty cents for  
1 20 each one hundred pounds or fraction thereof of weight of  
1 21 vehicle, as fixed by the department. The weight of a motor  
1 22 vehicle, fixed by the department for registration purposes,  
1 23 shall include the weight of a battery, heater, bumpers, spare  
1 24 tire, and wheel. Provided, however, that for any new vehicle  
1 25 purchased in this state by a nonresident for removal to the  
1 26 nonresident's state of residence the purchaser may make  
1 27 application to the county treasurer in the county of purchase  
1 28 for a transit plate for which a fee of ten dollars shall be  
1 29 paid. And provided, however, that for any used vehicle held  
1 30 by a registered dealer and not currently registered in this  
1 31 state, or for any vehicle held by an individual and currently  
1 32 registered in this state, when purchased in this state by a  
1 33 nonresident for removal to the nonresident's state of  
1 34 residence, the purchaser may make application to the county  
1 35 treasurer in the county of purchase for a transit plate for  
2 1 which a fee of three dollars shall be paid. The county  
2 2 treasurer shall issue a nontransferable certificate of  
2 3 registration for which no refund shall be allowed; and the  
2 4 transit plates shall be void thirty days after issuance. Such  
2 5 purchaser may apply for a certificate of title by surrendering  
2 6 the manufacturer's or importer's certificate or certificate of  
2 7 title, duly assigned as provided in this chapter. In this  
2 8 event, the treasurer in the county of purchase shall, when  
2 9 satisfied with the genuineness and regularity of the  
2 10 application, and upon payment of a fee of ten dollars, issue a  
2 11 certificate of title in the name and address of the

2 12 nonresident purchaser delivering the same to the person  
2 13 entitled to the title as provided in this chapter. The  
2 14 application requirements of section 321.20 apply to a title  
2 15 issued as provided in this subsection, except that a natural  
2 16 person who applies for a certificate of title shall provide  
2 17 either the person's social security number, passport number,  
2 18 or driver's license number, whether the license was issued by  
2 19 this state, another state, or another country. ~~The provisions~~  
~~2 20 of this subsection relating to multipurpose vehicles are~~  
~~2 21 effective January 1, 1993, for all 1993 and subsequent model~~  
~~2 22 years. The annual registration fee for multipurpose vehicles~~  
~~2 23 that are 1992 model years and older shall be in accordance~~  
~~2 24 with section 321.124.~~

2 25 b. ~~The~~ Except as provided in section 321.113, the annual  
2 26 registration fee for a multipurpose vehicle, otherwise subject  
2 27 to paragraph "a", with permanently installed equipment  
2 28 manufactured for and necessary to assist a person with a  
2 29 disability who is either the owner or a member of the owner's  
2 30 household in entry and exit of the vehicle or for a  
2 31 multipurpose vehicle if the vehicle's owner or a member of the  
2 32 vehicle owner's household uses a wheelchair as the only means  
2 33 of mobility shall be sixty dollars. For purposes of this  
2 34 ~~unnumbered~~ paragraph, "uses a wheelchair" does not include use  
2 35 of a wheelchair due to a temporary injury or medical  
3 1 condition.

3 2 Sec. 4. Section 321.115, subsection 2, Code 2005, is  
3 3 amended to read as follows:

3 4 2. The sale of a motor vehicle twenty years old or older  
3 5 which is primarily of value as a collector's item and not as  
3 6 transportation is not subject to chapter 322 and any person  
3 7 may sell such a vehicle at retail ~~or wholesale~~ without a  
3 8 license as required under chapter 322.

3 9 Sec. 5. Section 321.124, subsection 3, unnumbered  
3 10 paragraph 1, Code 2005, is amended to read as follows:

~~3 11 The annual registration fee for motor homes and 1992 and~~  
~~3 12 older model years for multipurpose vehicles is as follows:~~

3 13 Sec. 6. Section 321.124, subsection 3, paragraph h, Code  
3 14 2005, is amended by striking the paragraph.

3 15 Sec. 7. Section 321.176A, subsection 1, Code Supplement  
3 16 2005, is amended to read as follows:

3 17 1. A farmer or a person working for a farmer while  
3 18 operating a commercial motor vehicle ~~owned~~ controlled by the  
3 19 farmer within one hundred fifty air miles of the farmer's farm  
3 20 to transport the farmer's own agricultural products, farm  
3 21 machinery, or farm supplies to or from the farm. The  
3 22 exemption provided in this subsection shall apply to farmers  
3 23 who assist each other through an exchange of services and  
3 24 shall include operation of a commercial motor vehicle between  
3 25 the farms of the farmers who are exchanging services.

3 26 Sec. 8. Section 321.208, subsection 2, paragraph d, Code  
3 27 Supplement 2005, is amended to read as follows:

3 28 d. A felony or aggravated misdemeanor involving the use of  
3 29 a ~~commercial~~ motor vehicle other than an offense involving  
3 30 manufacturing, distributing, or dispensing a controlled  
3 31 substance.

3 32 Sec. 9. Section 321.430, subsection 3, Code 2005, is  
3 33 amended to read as follows:

3 34 3. Every trailer, ~~or semitrailer, or travel trailer~~ of a  
3 35 gross weight of three thousand pounds or more, ~~and every~~  
~~4 1 trailer coach or travel trailer of a gross weight of three~~  
~~4 2 thousand pounds or more intended for use for human habitation,~~  
~~4 3 when operated on the highways of this state, shall be equipped~~  
4 4 with brakes adequate to control the movement of and to stop  
4 5 and hold such vehicle, ~~and so designed as to be applied by the~~  
~~4 6 driver of the towing motor vehicle from its cab, when operated~~  
~~4 7 on the highways of this state. Every trailer, semitrailer, or~~  
~~4 8 travel trailer with a gross weight of three thousand pounds or~~  
~~4 9 more shall be equipped with a separate, auxiliary means of~~  
~~4 10 applying the brakes on the trailer, semitrailer, or travel~~  
~~4 11 trailer from the cab of the towing vehicle, or with self=~~  
4 12 actuating brakes, and ~~shall also be equipped with a weight~~  
4 13 equalizing hitch with a sway control. ~~Every semitrailer,~~  
~~4 14 travel trailer, or trailer coach of a gross weight of three~~  
~~4 15 thousand pounds or more shall be equipped with a separate,~~  
~~4 16 auxiliary means of applying the brakes on the semitrailer,~~  
~~4 17 travel trailer, or trailer coach from the cab of the towing~~  
~~4 18 vehicle. Trailers or semitrailers with a truck or truck~~  
~~4 19 tractor need only comply with the brake requirements.~~

4 20 Sec. 10. Section 321.457, subsection 1, Code Supplement  
4 21 2005, is amended to read as follows:

4 22 1. A combination of four vehicles is not allowed on the

4 23 highways of this state, except for power units saddle mounted  
4 24 on other power units which shall be restricted to a maximum  
4 25 overall length of ~~seventy-five~~ ninety-seven feet.  
4 26 Sec. 11. Section 321A.5, subsection 1, Code 2005, is  
4 27 amended to read as follows:

4 28 1. The department shall, immediately or within sixty days  
4 29 after the receipt of a report of a motor vehicle accident  
4 30 within this state which has resulted in bodily injury or death  
4 31 or damage to the property of any one person in ~~excess the~~  
4 32 amount of one thousand dollars or more, suspend the license of  
4 33 each operator and all registrations of each owner of a motor  
4 34 vehicle in any manner involved in the accident, and if the  
4 35 operator is a nonresident the privilege of operating a motor  
5 1 vehicle within this state, and if the owner is a nonresident  
5 2 the privilege of the use within this state of any motor  
5 3 vehicle owned by the owner, unless the operator or owner or  
5 4 both shall deposit security in a sum which shall be sufficient  
5 5 in the judgment of the department to satisfy any judgment or  
5 6 judgments for damages resulting from the accident as may be  
5 7 recovered against the operator or owner; provided notice of  
5 8 the suspension shall be sent by the department to the operator  
5 9 and owner not less than ten days prior to the effective date  
5 10 of the suspension and shall state the amount required as  
5 11 security.

5 12 Sec. 12. 321L.2, subsection 1, paragraph a, unnumbered  
5 13 paragraph 1, Code Supplement 2005, is amended to read as  
5 14 follows:

5 15 A resident of the state with a disability desiring a  
5 16 persons with disabilities parking permit shall apply to the  
5 17 department upon an application form furnished by the  
5 18 department providing the applicant's full legal name, address,  
5 19 date of birth, and social security number or Iowa driver's  
5 20 license number or Iowa nonoperator's identification card

5 21 number, and shall also provide a statement from a physician  
5 22 licensed under chapter 148, 149, 150, or 150A, a physician  
5 23 assistant licensed under chapter 148C, an advanced registered  
5 24 nurse practitioner licensed under chapter 152, or a  
5 25 chiropractor licensed under chapter 151, or a physician,  
5 26 physician assistant, nurse practitioner, or chiropractor  
5 27 licensed to practice in a contiguous state, written on the  
5 28 physician's, physician assistant's, nurse practitioner's, or  
5 29 chiropractor's stationery, stating the nature of the  
5 30 applicant's disability and such additional information as  
5 31 required by rules adopted by the department under section  
5 32 321L.8. If the person is applying for a temporary persons  
5 33 with disabilities parking permit, the physician's, physician  
5 34 assistant's, nurse practitioner's, or chiropractor's statement  
5 35 shall state the period of time during which the person is  
6 1 expected to be disabled and the period of time for which the  
6 2 permit should be issued, not to exceed six months.

6 3 Sec. 13. Section 322.27A, unnumbered paragraph 1, Code  
6 4 2005, is amended to read as follows:

6 5 A person shall not engage in business as a wholesaler of  
6 6 new motor vehicles in this state without a license as provided  
6 7 in this chapter.

6 8 Sec. 14. Section 322.29, subsection 2, paragraph c, Code  
6 9 2005, is amended by striking the paragraph.

6 10 Sec. 15. Section 326.2, subsection 14, Code 2005, is  
6 11 amended to read as follows:

6 12 14. The words "vehicle," "motor vehicle," "motor truck,"  
6 13 "truck tractor," "road tractor," "trailer," "semitrailer,"  
6 14 ~~"trailer coach,"~~ "combination" or "combination of vehicles,"  
6 15 "gross weight," "person," "owner," "nonresident," "street" or  
6 16 "highway," and "auxiliary axle" shall have the meanings  
6 17 ascribed in section 321.1.

#### 6 18 EXPLANATION

6 19 This bill makes numerous changes to Code provisions  
6 20 administered by the state department of transportation.

6 21 The bill strikes the definition and use of the term  
6 22 "trailer coach" from Code chapters 321 and 326.

6 23 Code section 321.46 is amended to provide that a lessee who  
6 24 purchases a vehicle upon termination of the lease has 30 days  
6 25 to claim a registration fee credit and assignment of the  
6 26 registration plates from the lessor. Currently, the deadline  
6 27 for filing such a claim is 15 days from the date of purchase.

6 28 Code sections 321.109 and 321.124 are amended to eliminate  
6 29 obsolete provisions relating to annual registration fees for  
6 30 model year 1992 and older multipurpose vehicles and to include  
6 31 those vehicles and multipurpose vehicles used by certain  
6 32 persons with disabilities in the reduced fee schedule  
6 33 applicable to other vehicles that are nine or more model years

6 34 old.

6 35 Code section 321.176A is amended to exempt from commercial  
7 1 driver licensing requirements farmers and persons working for  
7 2 a farmer when operating a commercial motor vehicle controlled  
7 3 by the farmer within 150 miles of the farm. Current law  
7 4 requires that the commercial motor vehicle be owned by the  
7 5 farmer.

7 6 Code section 321.208 is amended to correct language  
7 7 relating to commercial driver's license sanctions mandated by  
7 8 federal law providing that if a person is found by conviction  
7 9 or final administrative action to have committed a felony or  
7 10 aggravated misdemeanor involving the use of any motor vehicle  
7 11 while the person held a commercial driver's license, other  
7 12 than an offense involving manufacturing, distributing, or  
7 13 dispensing a controlled substance, the person is disqualified  
7 14 from operating a commercial motor vehicle for one year.

7 15 Code section 321.430 is amended to clarify that a trailer,  
7 16 semitrailer, or travel trailer with a gross weight of 3,000  
7 17 pounds or more must be equipped with either a separate,  
7 18 auxiliary means of applying the brakes from the cab of the  
7 19 towing vehicle or with self-actuating brakes.

7 20 Code section 321.457 is amended to increase the maximum  
7 21 length allowed for a combination of four vehicles consisting  
7 22 of power units saddle mounted on other power units to 97 feet,  
7 23 from the current maximum of 75 feet.

7 24 Code section 321A.5 is amended to provide that property  
7 25 damage of \$1,000 or more sustained in a motor vehicle accident  
7 26 triggers the security requirements under the motor vehicle  
7 27 financial responsibility law. Under current law, the damage  
7 28 amount must be in excess of \$1,000. This amendment makes the  
7 29 damage amount consistent with the amount requiring submission  
7 30 of an accident report under Code section 321.266.

7 31 Code section 321L.2 is amended to modify the application  
7 32 requirements for a persons with disabilities parking permit by  
7 33 requiring the applicant's Iowa driver's license or  
7 34 nonoperator's identification card number, or the applicant's  
7 35 social security number, which is currently required.

8 1 Code sections 322.27A and 322.29 are amended to eliminate  
8 2 licensing requirements for used motor vehicle distributors and  
8 3 wholesalers.

8 4 LSB 6400SC 81

8 5 dea:nh/je/5